



Faculty Senate

MEMORANDUM

June 9, 1976

TO: Faculty

FROM: John A. Morgan, Jr., Chairman
Executive Committee of the Faculty Senate

The attached pages include the revisions to the Faculty Code as finally adopted by the Faculty Senate at its May 7, 1976, meeting.

The completed document has been forwarded to the President for submission to the Board of Trustees for its action which, we hope, will occur in the fall.

JAMjr/dt

Attachment

FACULTY CODE

Governing the Academic Personnel of the University

The Board of Trustees of The George Washington University, by virtue of the authority vested in it by the University Charter, hereby establishes the following Faculty Code. The Faculty Code applies to all University faculty in all colleges, schools, divisions, departments, and comparable educational divisions. Constitutions, by-laws, and established procedures of governance devised by subdivisions of the University are subordinate to the letter and spirit of the Faculty Code.

I. Grades of Academic Personnel

The grades of academic personnel are:

A. RETIRED STATUS

Professor emeritus, professor emeritus in residence, associate professor emeritus, associate professor emeritus in residence, and retired (in any given rank for age or disability).

B. ACTIVE STATUS

1. Regular: Professor, associate professor, assistant professor, and instructor.

2. Limited Service: Adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct instructor, clinical professor, professorial lecturer, associate clinical professor, associate professorial lecturer, assistant clinical professor, assistant professorial lecturer, lecturer, special lecturer, studio lecturer, clinical instructor, teaching fellow, fellow, and graduate teaching assistant.

3. Visiting: Professor, associate professor, and assistant professor.

4. Research Staff

Members of the research staff may be appointed by the Board of Trustees, upon recommendation of the appropriate faculty and officers of the administration, as research professor, associate research professor, assistant research professor, and research instructor. Such appointments do not provide tenure.

II. Academic Freedom

A. A faculty member shall enjoy freedom of investigation subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the University.

B. A faculty member shall enjoy freedom of expression. In the classroom a faculty member's exposition shall be guided by requirements of effective teaching. In speaking and writing outside the University a faculty member shall not attribute his personal views to the University.

III. Professional Responsibilities

A. Members of the faculty shall perform well their academic duties, strive for professional development, and apply their talents to the service of their professions and their community.

B. Members of the faculty shall not permit their research to interfere with their teaching duties. In the classroom they shall be responsible for the character of the instruction, the maintenance of good order, and

the observance of University regulations. Faculty members shall make adequate preparation for their classes and conduct them in a dignified, courteous manner. They shall meet classes on time, hold classes for the full period, grade tests and examinations and report the grades promptly, and report promptly to the appropriate dean matters requiring disciplinary action and matters relating to the physical condition of classrooms and laboratories.

C. Members of the faculty shall perform their other academic duties conscientiously: they shall attend faculty meetings, commencement exercises, convocations, and other academic events; serve on faculty or University committees; assist in the administrative work of their departments and in the general administrative work of the University; and serve as general or departmental advisers to students.

D. Members of the active status faculty shall strive to grow in professional competence by means of effective teaching and sound scholarship. They shall strive for the advancement of knowledge in their fields by individual research and by participation in the activities of professional societies.

E. Regular active status members of the faculty shall have the primary responsibility of devoting their time, thought, and energy to the service of the University. No such member of the faculty shall accept an outside teaching appointment during the academic year or engage in any other regular activity of a remunerative nature without the approval of the University. Even when officially approved, such employment shall not be permitted to interfere with a faculty member's responsibility to the University.

IV. Appointment, Reappointment, Tenure, and Promotion

A. APPOINTMENT AND TENURE

1. Statements of Terms and Conditions

a) New faculty appointments shall be made by a letter signed by the appropriate corporate officer of the University. The appointee may accept the appointment by signing a copy of the letter of appointment and returning it to the University. A copy of this Code and the Procedures for the Implementation of the Faculty Code shall accompany or precede the letter of appointment and shall be considered part of the agreement between the faculty member and the University.

b) Tenured members of the faculty and faculty members whose appointments do not expire or whose appointments will be renewed shall be notified in writing annually, on or about April 1, of salary and of changes in rank or of other terms and conditions of service for the next academic year.

2. Limited Service Appointments

All appointments to limited service active status (as defined in Article I, Section B, Paragraph 2) shall be for a specified period of a year or less. Such appointments may be renewed an unlimited number of times.

3. Regular Appointments Without Tenure

a) All appointments or reappointments to regular active status positions shall be for a specified term except for those that confer tenure.

b) The total of such terms, including all full-time service with the rank of instructor or higher in this or other recognized institutions of higher learning, shall not exceed seven years, provided that:

1) Leaves of absence to engage in authorized teaching or research activities at another institution shall be included in this seven-year period.

2) Leaves for study toward a degree, leaves for military or for personal reasons, and defense leave shall not be included in this period.

3) A faculty member with more than three years' previous full-time service at another institution may be appointed at any rank below that of professor without tenure for four years.

4) Members of the faculty who are stationed at affiliated institutions and assigned to educational programs of the Medical Center may be appointed for more than seven years without tenure.

c) Letters of appointment to positions that will not normally lead to the consideration of the appointee for tenure shall include a statement to that effect.

d) A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire in accordance with Article V, Section B, hereof. Any such faculty member who is not so notified shall acquire tenure at the end of the term.

4. Stated Periods by Rank

a) Instructors

Instructors shall be appointed for an initial period of one year and may be reappointed for not more than three additional one-year periods. No reappointment shall, except by special action of the Board of Trustees, upon recommendation by the appropriate faculty body and the appropriate University officers, extend any individual's total period as an instructor beyond four years. Tenure shall not be conferred at this grade.

b) Assistant Professors

Assistant Professors shall be appointed for a period of not more than three years and may be reappointed, with or without tenure, for one or more additional periods.

c) Associate Professors

Associate Professors shall be appointed for a period of not more than four years and may be reappointed, with or without tenure, for one or more additional periods.

d) Professors

Professors may be appointed with tenure, or for a period of not more than three years without tenure.

B. PROMOTION

1. Promotion shall be dependent upon professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service.

2. As general practice a promotion shall be accompanied by an appropriate increase in salary.

3. Each school, college, or comparable educational division shall establish and publish criteria on which promotion will be based. Additional criteria that may exist in departments shall also be published. Each department or nondepartmentalized school or college shall establish and publish the procedures followed for making decisions concerning promotions.

4. Each department or school shall establish procedures for periodically informing faculty members whether they are making satisfactory progress toward promotion.

C. NONDISCRIMINATION

Appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be made solely on the basis of merit and without regard to race, color, religion, sex, national origin, or other considerations prohibited by law.

V. Termination of Service

A. EXPIRATION OF DEFINITE PERIOD APPOINTMENTS

All appointments for a definite period of service expire automatically with the completion of such period of service, subject, as appropriate, to the safeguards specified in this Article and in Article IV.

B. TERMINATION OF NON-TENURED APPOINTMENTS

1. Notice of Nonrenewal of Appointment

Written notice that an appointment is not to be renewed shall be given to a regular active status faculty member in advance of the

expiration of his or her appointment, according to the following minimum periods of notice:

a) Not later than March 1 of the first academic year of faculty service in the University in the case of a one-year appointment;

b) Not later than December 1 of the second academic year of such service in case of a two-year appointment or the renewal of a one-year appointment;

c) Not later than June 30 preceding the final academic year after two or more academic years of service in the University.

2. Notice by Member of Termination or Declination of Renewal

A member of the faculty who desires to terminate an existing appointment or to decline a renewal shall give notice in writing no later than April 1 if the faculty member's rank is instructor or assistant professor, and no later than March 1 if the rank is higher, or within thirty days after receiving notice of the terms and conditions of service for the next academic year, whichever date is later; but the faculty member may properly request a waiver of this requirement in case of hardship or in a situation which might entail the denial of a substantial professional advancement.

3. Dismissal and Late Notice

Dismissal of a faculty member during a non-tenured appointment, or the nonrenewal of an appointment with less than the required advance notice, shall be preceded by a statement of reasons and shall be subject to the provisions of Article X of this Code.

C. TERMINATION OF TENURE

Grounds for Termination: Until retirement of a faculty member

in accordance with other provisions of this Code, and subject to the provisions of Article X, an appointment with tenure shall be terminable by the University only for adequate cause, termination of program, or on account of extraordinary financial exigency, in the latter two cases after not less than twelve months' notice to the faculty member.

1. Adequate Cause

Adequate cause shall mean unfitness to perform academic duties because of:

- a) incompetence;
- b) lack of scholarly objectivity or integrity;
- c) persistent neglect of professional responsibilities under this Code;
- d) gross personal misconduct that destroys academic usefulness.

2. Termination of Program

The University may occasionally be required to terminate the appointments of tenured faculty members as a result of the termination of an entire instructional program because of a substantial decline in enrollments in the program or because of the expiration of grants, contracts, or other sources of funding on which the program's financial viability depends.

3. Extraordinary Financial Exigency

The University may occasionally be required to terminate the appointments of tenured faculty members because of extraordinary financial exigency. This drastic measure shall be considered only as a last resort,

after every effort has been made by the University administration and the Board of Trustees to meet the need in other ways.

4. Obligations of the University

a) Tenured faculty members shall not be dismissed because of termination of their program or extraordinary financial exigency until every effort has been made to place them in suitable positions elsewhere in the University.

b) If an appointment with tenure is terminated because of termination of a program or an extraordinary financial exigency, and, within two years, the program is reinstituted or funds become available to restore the position, the released faculty member's place shall not be filled until he or she has been offered and declined reappointment.

c) Faculty members whose tenured appointments are terminated because of the termination of their program or because of an extraordinary financial exigency shall be provided severance payment of one year's salary beyond the date of termination of employment.

VI. Leave

A. At any time, for study or for any other valid reason, a leave of absence without salary may be granted to a member of the faculty by the appropriate corporate officer.

B. When circumstances permit, the Board of Trustees shall grant sabbatical leave to a member of the faculty with tenure who has served six or more continuous years in a college or university in regular active status, three years of which must have been served in this University, or who has served

six or more years in regular active status after a preceding grant of sabbatical leave. The request for sabbatical leave must be accompanied by an outline of the education, research, and/or self-improvement program which the applicant proposes to follow if the leave is granted. Such leave must be recommended by the department or other appropriate unit, concurred in by the appropriate administrative official of the corresponding college or school and the Provost, approved by the President of the University, and granted by the Board of Trustees of the University.

By accepting a grant of sabbatical leave, faculty members obligate themselves to continue in the service of the University for at least one year following their leave unless the University agrees to some other arrangement.

When faculty members are eligible for sabbatical leave but for reasons of college, school, or departmental convenience or necessity have their leave deferred, their next eligibility for sabbatical leave shall be computed from the time they became eligible for such leave, not from the date the leave was actually granted.

The University shall pay members of the faculty while on sabbatical leave one-half of their salary for two semesters or all of their salary for one semester. (The salary is paid as a compensation for the benefits received by the University from the efforts of the faculty member on leave.)

C. In the event of a national emergency, regular active status faculty members will be granted defense leave in accordance with the following provisions:

1. Members of the faculty given defense leave for the duration of an emergency will have the privilege of returning to the service of

the University at the beginning of the semester following their release from service.

2. Members of the faculty on defense leave in a civilian status may be requested to return to the University and their defense leave terminated on sixty days' notice.

3. The return to University service of members of the faculty from defense leave is conditioned upon their mental, moral, and physical competence to resume their positions in the University.

VII. Retirement

A. Members of the faculty shall retire at the end of the fiscal year in which they reach the age of 65, provided that the Board of Trustees may continue such a faculty member under annual contract upon the recommendation of the faculty members who would be entitled to vote if the retiring faculty member were being considered for an original appointment in his or her present rank and with the approval of the appropriate officers of the University. For the purposes of this Article the fiscal year shall be taken as the period beginning July 1 and ending June 30.

Subject to the need of the University, a full-time member of the faculty who is retired may be invited by the appropriate officers of the University to continue on a part-time basis and appointed for a renewable period not to exceed one academic year. Such appointee shall be designated "emeritus (or retired) in residence."

In no case shall an appointment under the two preceding paragraphs be renewed beyond the end of the fiscal year in which the appointee reaches the age of seventy.

B. A member of the faculty with long and distinguished service to the University may, upon retirement, be awarded emeritus status. Emeritus status is recommended by the regular active status members of the faculty concerned and, with the concurrence of the administration, is awarded by the Board of Trustees. Those eligible for consideration for emeritus status are professors, adjunct professors, clinical professors, research professors, associate professors, and associate clinical professors.

Faculty members in emeritus status shall be entitled to use facilities as arranged with the administration of the University and to participate in faculty meetings without the right to vote. They may serve on committees and may perform such other services as are in keeping with their desires and with the needs of the University.

C. A retired faculty member may use facilities as arranged with the administration of the University and participate in faculty meetings without the right to vote.

VIII. Retirement Annuity

The University has entered into an agreement with the Teachers Insurance and Annuity Association, which agreement is organized upon a dual participation basis. Full-time members of the faculty are eligible to participate.

IX. Faculty Role in University Decision Making

A. The regular active status faculty shares with the officers of the administration the responsibility for the effective operation of the departments, schools, colleges, and the University as a whole. In the exercise of this responsibility, the regular active status faculty plays a role in

decisions on the appointment and promotion of members of the faculty and the appointment of the President, deans, departmental chairman, and other administrative officials with authority over academic matters. The regular active status faculty also participates in the formulation of policy and planning decisions affecting the quality of education and life at the University. This participation includes an active role in the development, revision, and elimination of the curricular offerings of each department, college, or school by its regular active status faculty. The regular active status members of the faculty of a college or school are also entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of departments, institutes, or other academic or research units making up a part of that college or school. The Faculty Senate or an appropriate committee thereof is entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of schools, colleges, or other major components of the University.

B. The faculty cannot perform an effective and responsible role in University decision making without the cooperation of the administrative officers of the University. This cooperation includes the provision of such information as is necessary to the development of sound, well-informed recommendations. Faculty bodies charged with responsibilities for particular policy and planning areas are entitled, to the extent feasible, to be informed sufficiently in advance of important decisions within their areas of competence to be able to provide their advice or recommendations to the appropriate University officials.

- X. Principles Governing Issues Relating to Termination, Dismissal, Nonrenewal, Conditions of Employment, and Rights and Privileges Under This Code

The rights, privileges, and responsibilities of a faculty member conferred by this Code shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities, or a charge of unfair or discriminatory treatment based on race, color, religion, sex, national origin, or other considerations prohibited by law with regard to conditions of employment shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administration officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

XI. Health Service

A. The University, recognizing the importance of the health of the teacher to professional competence, shall contribute to the cost of the current and any future basic health care program for all members of the faculty.

B. The facilities of the Health Clinic shall be available to members of the faculty in emergencies resulting from accidents or sudden, serious illness while on campus. Such medical services shall be limited to necessary first aid.

XII. Construction

As used in this Code and the Procedures for Implementation, words that may imply the masculine gender shall be construed to refer to both the masculine and the feminine genders.

XIII. Effective Date

Having been approved by the Board of Trustees of the University
on _____, this Code shall as of _____,
supersede all former codes and ordinances. The Board of Trustees of the
University directs that this revised Faculty Code be published.

PROCEDURES FOR THE IMPLEMENTATION
OF THE FACULTY CODE

A. GOVERNANCE OF DEPARTMENTS, SCHOOLS, AND COLLEGES

The regular active status faculty and tenured limited service faculty of each department, school, college, or comparable educational division shall establish written procedures for the governance of that unit.

B. FACULTY PARTICIPATION IN ACTION CONCERNING FACULTY MEMBERSHIP

1. The regular active status faculty of the rank of assistant professor or higher of a department or of a nondepartmentalized school or college or comparable educational division shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools or colleges, establish procedures enabling an elected standing committee or a committee of the whole to submit its recommendations for appointments. Recommendations for actions other than appointments concerning instructors, assistant professors, or associate professors shall be determined by the tenured members of the faculty of higher rank or of equal and higher rank, as the faculty may have determined by previously established procedures. Recommendations for actions other than appointments concerning professors shall be determined by tenured members of the rank of professor.

2. Appointments and actions affecting renewal of appointments, promotion, tenure designation, and termination of service shall normally follow faculty recommendations. Departures from this standard shall be limited to those cases involving compelling reasons. The appropriate administrative

officer shall notify the Executive Committee of the Senate of any departures from faculty recommendations and the compelling reasons therefor. The faculty or the appropriate unit thereof shall also be notified unless the Board of Trustees determines that such notification would be contrary to the best interests of the individual or individuals concerned.

3. Faculty recommendations concurred in by the appropriate administrative officers shall be transmitted by them to the President, who shall transmit them to the Board of Trustees. Variant or nonconcurring recommendations from an administrative officer, together with supporting reasons, shall be sent by that officer to the Executive Committee of the Senate through the appropriate superior administrative officers. The Executive Committee may seek information and advice and make recommendations to the faculty or the appropriate unit thereof and to the appropriate administrative officers. If concurrence cannot be obtained after opportunity for reconsideration in the light of the recommendations of the Executive Committee, the recommendation of the appropriate administrative officers, accompanied by the recommendation of the faculty and the report of the Executive Committee, shall be transmitted to the Board of Trustees through the President.

C. FACULTY CONSULTATION AND RECOMMENDATION IN THE SELECTION
OF ACADEMIC ADMINISTRATIVE OFFICERS

1. Department Chairman

The regular active status faculty members of a department of the rank of assistant professor and higher shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools or colleges, formulate procedures for making recommendations

for filling vacancies in the post of department chairman. The procedures shall provide for an elected committee of the regular active status members of the department, or an appropriate interdepartmental committee, to recommend a candidate for the position. Normally the appointment shall be made in accordance with the recommendation. Should the appointing official not concur with the committee's recommendation, that official shall so inform the department concerned and shall indicate the reasons therefor. The committee shall, after consultation with the appointing official, make alternative recommendations until a nomination acceptable to both the department and the appointing official is reached.

2. Dean, Associate Dean, Assistant Dean, and
Similar Academic Administrative Officers

a) The academic administrative officers, such as deans, associate deans, assistant deans, Vice President for Medical Affairs, or other academic administrative officers of similar rank of a college, school, or other academic unit shall be qualified for faculty membership by training and experience.

b) Appointments to such positions shall be made only after a special or standing committee elected by the regular active status faculty involved from among the faculty's tenured members has established criteria (subject to the approval of that faculty as a whole), considered nominations, and reported its recommendations in accordance with the procedures established under Section A, above, to the faculty which elected it or to the appropriate academic administrative officer.

c) Such appointees shall hold office only as long as they

retain the confidence of the faculty concerned. A formal proceeding to question the continued confidence of the faculty of a school or college in an academic administrative officer shall be instituted only after faculty members have made a reasonable effort to bring the substance of their concerns to the attention of such officers informally. The formal proceeding shall be conducted as follows:

- 1) A petition signed by one-third of the regular active status members of the rank of assistant professor or higher of the faculty concerned shall be submitted to the Chairman of the Executive Committee of the Faculty Senate.

- 2) The Chairman of the Executive Committee shall call a special meeting of the faculty concerned for consideration of the matter. The meeting shall be held within twenty days on which classes are regularly held in the University of the time the petition is submitted. Notice of the meeting shall be given to all of the faculty members eligible to vote on the matter.

- 3) The Chairman of the Executive Committee shall preside over the meeting. At this meeting procedures for balloting shall be determined.

- 4) Within ten days on which classes are regularly held in the University of the first special meeting, a secret ballot of the regular active status faculty of the rank of assistant professor or higher shall be taken at a special meeting or by

mail on the question of confidence in the administrator involved. The balloting shall be supervised by the Executive Committee of the Faculty Senate.

5) The affirmative vote of a majority of the faculty members eligible to vote shall be necessary for the passage of a vote of no confidence. If the resolution passes, the Chairman of the Executive Committee shall forward the results of the proceedings to the President of the University for appropriate action.

3. Vice President for Academic Affairs, Associate or Assistant Vice Presidents for Academic Affairs

Appointments to the position of Vice President for Academic Affairs or Associate or Assistant Vice President for Academic Affairs shall be made only after consultation with the Executive Committee of the Faculty Senate. The Executive Committee may submit names of proposed candidates for these positions and may advise concerning names proposed by administrative officers. Appointees to these positions shall be qualified for faculty membership by training, experience, and continued interest in teaching and research. They shall retain office only as long as they retain the confidence of the Faculty Assembly.

4. Other Administrative Officers

a) The faculty of a school, college, division, or other organizational unit or group of units shall be consulted for their recommendations regarding the appointment of administrative officers whose concern with

academic matters is limited to that unit or group of units. The regular active status faculty members of the rank of assistant professor and higher of the organizational unit or units concerned shall establish procedures and criteria for the formulation of such recommendations.

b) The Executive Committee of the Faculty Senate shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters comprehends all or substantially all of the University.

5. President of the University

The Faculty Assembly shall elect a committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President.

D. FACULTY PARTICIPATION IN ACTION CONCERNING CURRICULUM

The regular active status faculty members of the rank of assistant professor and higher of each department, nondepartmentalized school or college or other academic unit shall formulate procedures by which they or an elected standing committee shall participate in the addition, revision, and elimination of curricular offerings. No academic course, program, or credit requirement shall be added or altered without the concurrence of such faculty or committee.

E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

1. Grievance Committee

a) The Faculty Senate shall elect a Grievance Committee of fifteen tenured active status faculty members, no more than three of whom

shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee.

2. Preliminary Proceedings

a) Before instituting any formal proceedings concerning an alleged violation of the Faculty Code, the aggrieved party or parties shall exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate shall appoint a special mediation committee of three members, none of whom shall be members of the Grievance Committee; and this mediation committee shall conduct an informal investigation of the matter and attempt to effect a mutually satisfactory resolution.

c) The special committee shall submit a report to the Faculty Senate, with copies transmitted to the parties, when it has either achieved a mutually satisfactory resolution or concludes that further efforts at mediation would be futile. The report shall include, if appropriate, the committee's evaluation of, or recommendations concerning, any university,

college, school, or departmental policies or practices involved in the dispute.

3. Formal Proceedings

a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, the identity of the remedy sought, and the reasons alleged to justify the remedy.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties.

4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

b) Hearing Committee

1) Upon receipt of the complaint, the Chairman of

the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee.

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

3) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

4) All three members of the Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) The Hearing Committee may, in its discretion,

request that the Executive Committee of the Faculty Senate designate a member of the Law Faculty to serve as Committee Counsel to advise the Committee on legal questions during the hearings and deliberations.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of due process of law. The parties shall be entitled to testify on their own behalf, to call as witnesses any member of the University faculty and also any other person who is willing to testify, to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn depositions may be received in evidence when opposing parties have been given reasonable opportunity to appear and cross-examine the deponent. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of another party and not privileged, and may offer such documents or excerpts therefrom in evidence.

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party, the Hearing Committee shall determine that it is in the best interests of the University and the parties that the hearings be closed.

7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The vote of a majority shall be determinative.

8) The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties.

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by those members of the Grievance Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearing of the appeal.

c) The parties to an appeal shall be entitled to present written and oral argument.

d) The Grievance Committee shall render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee.

Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Grievance Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

F. PROCEDURES FOR THE DISMISSAL OF A FACULTY MEMBER FOR ADEQUATE CAUSE

1. Commencement of Proceedings

a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chairman of the Grievance Committee, signed by the Vice President for Academic Affairs and either the dean or the department chairman who has administrative responsibility for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chairman of the Executive Committee of the Faculty Senate.

b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school or college of the faculty member concerned, or twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand

to the faculty member concerned or sent by registered mail to his residence. Copies shall also be sent to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs.

c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, to the Chairman of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

2. Hearing Committee

a) Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Grievance Committee.

b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

c) When all challenges have been decided and vacancies filled,

the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

d) All of the members of the Hearing Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

3. Procedure for Hearings

a) The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

4. Appeals

a) The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

5. Attorneys' Fees and Expenses

a) Regardless of the outcome of any proceedings conducted pursuant to this Part, the University shall reimburse the faculty member concerned for the reasonable attorneys' fees and expenses actually incurred in his or her defense.

The amendments adopted by the Board of Trustees are cited as follows:

- (1) Page 2, Paragraph 4. Research Staff
- (2) Page 15, Section XI. Health Service, Paragraph B.
- (3) Page 22, Paragraph D. FACULTY PARTICIPATION IN ACTION CONCERNING CURRICULUM
- (4) Page 26, Paragraph 6)
- (5) Page 30, Paragraph 5. Attorneys' Fees and Expenses

FACULTY CODE

Governing the Academic Personnel of the University

The Board of Trustees of The George Washington University, by virtue of the authority vested in it by the University Charter, hereby establishes the following Faculty Code. The Faculty Code applies to all University faculty in all colleges, schools, divisions, departments, and comparable educational divisions. Constitutions, by-laws, and established procedures of governance devised by subdivisions of the University are subordinate to the letter and spirit of the Faculty Code.

I. Grades of Academic Personnel

The grades of academic personnel are:

A. RETIRED STATUS

Professor emeritus, professor emeritus in residence, associate professor emeritus, associate professor emeritus in residence, and retired (in any given rank for age or disability).

B. ACTIVE STATUS

1. Regular: Professor, associate professor, assistant professor, and instructor.

2. Limited Service: Adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct instructor, clinical professor, professorial lecturer, associate clinical professor, associate professorial lecturer, assistant clinical professor, assistant professorial lecturer, lecturer, special lecturer, studio lecturer, clinical instructor, teaching fellow, fellow, and graduate teaching assistant.

3. Visiting: Professor, associate professor, and assistant professor.

4. Research Staff

Ed. of Trustees Members of the research staff may be appointed, ~~by the Board~~
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10/21/76 ~~of Trustees~~, upon recommendation of the appropriate faculty and officers
of the administration, as research professor, associate research professor,
assistant research professor, and research instructor. Such appointments
do not provide tenure.

II. Academic Freedom

A. A faculty member shall enjoy freedom of investigation subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the University.

B. A faculty member shall enjoy freedom of expression. In the classroom a faculty member's exposition shall be guided by requirements of effective teaching. In speaking and writing outside the University a faculty member shall not attribute his personal views to the University.

III. Professional Responsibilities

A. Members of the faculty shall perform well their academic duties, strive for professional development, and apply their talents to the service of their professions and their community.

B. Members of the faculty shall not permit their research to interfere with their teaching duties. In the classroom they shall be responsible for the character of the instruction, the maintenance of good order, and

3. Visit to the ...

Professor ...

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Id. of ...
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The rights, privileges, and responsibilities of a faculty member conferred by this Code shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities, or a charge of unfair or discriminatory treatment based on race, color, religion, sex, national origin, or other considerations prohibited by law with regard to conditions of employment shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administration officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

XI. Health Service

A. The University, recognizing the importance of the health of the teacher to professional competence, shall contribute to the cost of the current and any future basic health care program for all members of the faculty.

Emergency Room are

Bd. of Trustees B. The facilities of the ~~Health Clinic shall be~~ available to members
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10/21/76 of the faculty in emergencies resulting from accidents or sudden, serious illness while on campus. ~~Such medical services shall be limited to necessary first aid.~~

XII. Construction

As used in this Code and the Procedures for Implementation, words that may imply the masculine gender shall be construed to refer to both the masculine and the feminine genders.

academic matters is limited to that unit or group of units. The regular active status faculty members of the rank of assistant professor and higher of the organizational unit or units concerned shall establish procedures and criteria for the formulation of such recommendations.

b) The Executive Committee of the Faculty Senate shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters comprehends all or substantially all of the University.

5. President of the University

The Faculty Assembly shall elect a committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President.

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D. FACULTY PARTICIPATION IN ACTION CONCERNING CURRICULUM

The regular active status faculty members of the rank of assistant professor and higher of each school or college shall establish procedures for their participation, directly or through elected standing committees, in college or other academic unit shall formulate procedures by which they decisions relating to the addition, revision, or elimination of curricular or an elected standing committee shall participate in the addition, revision, and elimination of curricular offerings. No academic course, program, or credit requirement shall be added or altered without the concurrence of such faculty or committee.

E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

1. Grievance Committee

a) The Faculty Senate shall elect a Grievance Committee of fifteen tenured active status faculty members, no more than three of whom

request that the Executive Committee of the Faculty Senate designate a member of the Law Faculty to serve as Committee Counsel to advise the Committee on legal questions during the hearings and deliberations.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of due process of law. The parties shall be entitled to testify on their own behalf, to call as witnesses any member of the University faculty and also any other person who is willing to testify, to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn depositions may be received in evidence when opposing parties have been given reasonable opportunity to appear and cross-examine the deponent. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of another party and not privileged, and may offer such documents or excerpts therefrom in evidence.

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party, ^{or the Hearing Committee,} the Hearing Committee shall determine that it is in the best interests of the University and the parties that the hearings be closed.

that the committee shall be composed of three members, one of whom shall be the president of the association.

The committee shall have the right to call upon any member of the association for information and to receive from him any documents or papers which may be necessary for the purpose of its investigation.

The committee shall also have the right to examine the books and accounts of any member of the association and to require him to produce them if he refuses to do so voluntarily.

The committee shall have the right to administer oaths to any member of the association and to punish any member who refuses to obey its orders or who commits any offense against the association.

The committee shall have the right to recommend to the association any measures which it may deem necessary for the protection of its interests and the promotion of its objects.

The committee shall have the right to make any arrangements which it may deem necessary for the carrying out of its duties and to employ any persons who may be required for that purpose.

The committee shall have the right to make any recommendations which it may deem necessary to the association and to the public and to take any steps which it may deem necessary for the enforcement of its recommendations.

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d) All of the members of the Hearing Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

3. Procedure for Hearings

a) The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

4. Appeals

a) The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

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5. Attorneys' Fees and Expenses

If a faculty member prevails against charges brought against him, the University may, upon recommendation of the Hearing Committee, reimburse pursuant to this Part, the University shall reimburse the faculty member the faculty member concerned for all or part of attorneys' fees and expenses concerned for the reasonable attorneys' fees and expenses actually incurred actually incurred in his or her defense.
~~in his or her defense.~~

Adopted by the Faculty Senate May 7, 1976, for submission to the Board of Trustees.

PROPOSED AMENDMENTS TO THE REVISED CODE

I. Recommendation by the Commission on Equal Opportunity, Lois G. Schwoerer, Chairwoman

1. Faculty Code: page 19, Article X, line 7 up: After word "treatment" insert:

BASED ON RACE, SEX, CREED, AGE, ^{national origin} ~~ETHNIC IDENTITY~~, OR OTHER CONSIDERATIONS PROHIBITED BY LAW.

2. Procedures for the Implementation of Article X of the Faculty Code: page 28, E, Section 1, paragraph b, line 7: Insert after the word "freedom":

IN CASES OF GRIEVANCES ^{national origin} IN WHICH DISCRIMINATION ON THE BASIS OF RACE, SEX, CREED, AGE, ~~ETHNIC IDENTITY~~, OR OTHER CONSIDERATIONS PROHIBITED BY LAW IS CHARGED, THE SENATE, ON NOMINATION OF THE EXECUTIVE COMMITTEE, SHALL APPOINT A SPECIAL COMMITTEE, A MAJORITY OF WHOSE MEMBERS SHALL BE APPROVED BY THE COMMISSION ON EQUAL OPPORTUNITY AND MAY BE MEMBERS OF THE COMMISSION ON EQUAL OPPORTUNITY.

3. Page 29, E, Section 2, paragraph a (1): ^{faculty} Add to the paragraph the following:

^{origin} IN CASES IN WHICH DISCRIMINATION ON THE BASIS OF RACE, SEX, CREED, AGE, ^{national} ~~ETHNIC IDENTITY~~, OR OTHER CONSIDERATIONS PROHIBITED BY LAW IS CHARGED, THREE MEMBERS APPOINTED BY THE COMMISSION ON EQUAL OPPORTUNITY SHALL BE ADDED TO THE HEARING COMMITTEE.

4. Page 29, E, Section 2, paragraph a (2), line 4 up from bottom: Delete word "tenure."

5. Page 30, E, subsection B), last 2 lines in that paragraph: Insert comma after "treatment." Insert comma after word "employment" and add the following:

OF THE INDIVIDUAL BECAUSE OF RACE, SEX, CREED, AGE, ^{national origin} ~~ETHNIC IDENTITY~~, OR OTHER CONSIDERATIONS PROHIBITED BY LAW.

II. Recommendation by Fred P. Abramson, Assistant Research Professor, Departments of Pharmacology and Pathology:

1. The following definition replace I.B.1 and 4 in the Code and Ordinances:

Full-time Service: (a) Academic: Professor, Associate Professor, Assistant Professor and Instructor.

(b) Research: Research Professor, Associate Research Professor, Assistant Research Professor and Research Instructor.

2. The sections on Appointments, Reappointment, Tenure and Promotion pertain to Full-time Service and Limited Service Faculty and provide no apparent guidelines for the Research Faculty - request is made for clarification.

PROPOSED AMENDMENTS TO THE REVISED CODE
(continued)

III. Recommendation by Dr. Sean O'Reilly, Department of Neurology:

1. Draft code, page 4, III A. It is misleading (potentially at least) to omit reference to 'the country' while including 'his community.' Suggest it be amended to read:

". . . and apply his talents to the service of his profession, his community, and his country when called on to do so, always provided his rights of conscience are not denied due process."

2. Page 9C. Non-Discrimination. Would like to see this strengthened by inserting after the word 'merit' the clause "as determined by professional peer judgment."
3. Page 11C. 1. Adequate Cause. Suggest that this needs be qualified e.g., as follows: "adequate cause, adequately documented and judged by an academic peer group, drawn if necessary from outside the faculty of this university."